

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

**FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH**

<p>UNIVERSAL DELAWARE, INC., et al., on behalf of themselves and others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>CERIDIAN CORPORATION, et al.,</p> <p style="text-align: center;">Defendants,</p>	<p style="text-align: center;"><b>OCT - 4 2010</b></p> <p style="text-align: center;"><b>BY D. MARK JONES, CLERK</b> DEPUTY CLERK</p> <p style="text-align: center;">ORDER</p> <p style="text-align: center;">Case No. 2:09-CV-169</p> <p style="text-align: center;">Eastern District of Pennsylvania</p> <p style="text-align: center;">Case No. 07-1078 (JKG)</p>
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Magistrate Judge David Nuffer entered an Order Denying Comdata Permission to Use or Redesignate Flying J. Documents (ECF No. 137) on August 17, 2010. Comdata timely objected to this order on August 30, 2010 (ECF No. 138), arguing that the Magistrate Judge erroneously denied Comdata’s request to use two emails during a deposition and to reclassify the email messages. After a careful review of the Magistrate Judge’s Order and Comdata’s objection, the court concludes that oral argument is not necessary and enters the following Order. *See* DUCivR 7-1(f); 72-3(c).


When considering timely objections to a magistrate judge’s order on nondispositive matters, the court defers to the magistrate judge’s ruling unless it was clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); *Allen v. Sybase*, 468 F.3d 642, 658 (10th Cir. 2006). A

factual ruling is clearly erroneous when “the reviewing court, after considering the entirety of the evidence, is ‘left with the definite and firm conviction that a mistake has been committed.’”

*Kounelis v. Sherrer*, 529 F.Supp.2d 503, 518 (D.N.J. 2008). “A ruling is contrary to law if the magistrate judge has misinterpreted or misapplied applicable law.” *Id.*

Applying this deferential standard, the court concludes that the Magistrate Judge’s Order was not clearly erroneous or contrary to law. Consequently, the court overrules Comdata’s objection.

DATED this 28<sup>th</sup> day of September, 2010.

  
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Dee Benson  
United States District Judge